

From: [Brenda Wisneski](#)
To: [Martha Ochoa](#)
Subject: FW: Denial of Malaga ADU and Reservation of Rights to Appeal
Date: Monday, September 11, 2023 9:45:06 AM
Attachments: [image001.png](#)

For distribution to the PC.

From: Ryan.Smith@gtlaw.com <Ryan.Smith@gtlaw.com>
Sent: Monday, September 11, 2023 8:39 AM
To: Brenda Wisneski <BWisneski@DanaPoint.org>
Cc: tcbronco75@gmail.com
Subject: Denial of Malaga ADU and Reservation of Rights to Appeal

Ms. Wisneski,

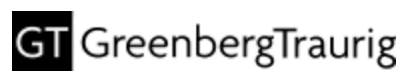
As you know, this firm represents Travis Mellem. I write regarding the Planning Commission's potential denial of his proposed ADU at 33861 Malaga Dr. As I've stated before, Mr. Mellem originally submitted his ADU project for approval in August 2022. It was agendaized and scheduled for the October 10, 2022 Planning Commission meeting. The staff report originally recommended that the Planning Commission approve this project. Before the meeting began, you requested that Mr. Mellem obtain an original "Certificate of Occupancy, documentation which identifies the number of units" from the County Assessor's office with no further explanation. We are informed that a Certificate of Occupancy is not normally required for ADU approval, and the County Assessor's office does not maintain such records. Nonetheless, Mr. Mellem obtained records showing the property was a legal triplex and permitted. Mr. Mellem then delayed submitting the project a second time based on guidance from the city. Tired of waiting, he finally submitted the ADU project again on April 28, 2023. He was informed that it would be scheduled for the June Planning Commission meeting, which did not happen. It is now being considered on 9/11/23, over a year after his original submittal. While the staff report originally recommended approval of his project last year, you are now recommending that the project be denied. It is clear that you and the Planning Commission have acted in bad faith throughout this entire process. And regardless of whether the "new ordinance" is considered or not, this project was unfairly delayed and then denied under false pretenses. Mr. Mellem has spent considerable time and money on this project, and we reserve all rights to appeal the Planning Commission's decision and take legal action if necessary. Nothing in this e-mail shall be construed to waive or relinquish any of Mr. Mellem's rights or remedies in equity or law.

Sincerely,
Ryan Smith

Ryan Smith
Shareholder

Greenberg Traurig, LLP
18565 Jamboree Road | Suite 500 | Irvine, CA 92612
T +1 949.732.6508 | F +1 949.732.6501

Ryan.Smith@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



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